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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/619,062 | 07/10/2003 | Donald E. Weder | 8403.915 | 6915 |
| 30589 | 7590 | 09/16/2004 | EXAMINER | |
| DUNLAP, CODDING & ROGERS P.C. PO BOX 16370 OKLAHOMA CITY, OK 73113 | | | GELLNER, JEFFREY L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3643 | |

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,062

Applicant(s)

WEDER, DONALD E.

Examiner

Jeffrey L. Gellner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/10/03; 9/8/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement is made of Applicant's IDSs received 10 July 2003 and 09 August 2004.

Claim Rejections - 35 USC §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15, 17-28, and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Charrin (FR 2619698; document DM on the first 1449 submitted by Applicant) in view of Du Grosriez (US Des. 428,555).

As to Claims 1 and 17, Charrin discloses the method of providing a decorative wrapper (1 of Figs. 1-4 and 10) comprising a sheet (1 of Figs. 1-4, 9, and 10) having first and second surfaces, outer peripheral edge; and, placing the decorative wrapper about an item (Figs. 3 and 4). Not disclosed is the sheet having a central decorative portion that has a different pattern/design than the peripheral decoration that is adjacent at least one peripheral edge. Du Grosriez, however, discloses a sheet having a central decorative portion that has a different pattern/design than the peripheral decoration that is adjacent at least one peripheral edge. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the decorative wrapper of Charrin by having the pattern/design of Du Grosriez so as to meet the demand or aesthetics of the consumer. When the decorative wrapper of Charrin has the

pattern/design of Du Grosriez and is covering an item the peripheral decoration would be disposed generally above the central decoration portion and the cover's appearance would have the effect of two sheets of material. Also, the decorative wrapper would be sold to sellers of items.

As to Claims 2, 3, 18, and 19, Charrin as modified by Du Grosriez further disclose the outer peripheral edge being non-linear (Fig. 10 of Charrin) or linear (Fig. 10 of Charrin).

As to Claim 4 and 20, Charrin as modified by Du Grosriez further disclose the inner boundary being non-linear (see Du Grosriez).

As to Claim 5 and 21, the limitations of Claim 1 are disclosed as described above. Not disclosed is the inner boundary being linear. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method Charrin as modified by Du Grosriez by having the inner boundary being linear so as to meet consumer demand.

As to Claim 6 and 22, Charrin as modified by Du Grosriez further disclose the width of the peripheral decoration from 5 to 50% the width of the central decorative portion (Du Grosriez).

As to Claim 7, Charrin as modified by Du Grosriez further disclose a securing element (5 of Fig. 1 of Charrin).

As to Claim 8 and 23, Charrin as modified by Du Grosriez further disclose a decorative extension (12 of Fig. 9 of Charrin) attached to the sheet near the peripheral decoration and having the outer edge below, flush, or beyond a portion of the outer peripheral edge.

As to Claim 9 and 24, the limitations of Claim 1 are disclosed as described above. Not disclosed is the decorative wrapper with adhesive bonding. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to further modify the method of Charrin as modified by Charrin as modified by Du Grosriez by substituting adhesive bonding material for the securing element in Du Grosriez where the exact type of securing element is immaterial and to meet consumer demand.

As to Claim 10 and 25, Charrin as modified by Du Grosriez further disclose the sheet being rectangular (Fig. 10 of Charrin).

As to Claim 11 and 26, Charrin as modified by Du Grosriez further disclose sheet being circular (Fig. 10 of Charrin).

As to Claim 12 and 27, Charrin as modified by Du Grosriez further disclose a potted plant (inherent in Charrin).

As to Claim 13 and 28, Charrin as modified by Du Grosriez further disclose a floral grouping (inherent in Charrin).

As to Claim 15 and 30, Charrin as modified by Du Grosriez further disclose a gift (implied by Charrin).

Claims 14, 16, 29, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Charrin (FR 2619698; document DM on the first 1449 submitted by Applicant) in view of Du Grosriez (US Des. 428,555) in further view of Shaffer et al. (US 5,551,570; document CR on first 1449 submitted by Applicant).

As to Claims 14 and 29, the limitations of Claims 1 and 17 are disclosed as described above. Not disclosed is the item a basket. Shaffer et al., however, discloses a decorative wrapper about a basket (see Fig. 1). It would have been obvious to one of ordinary skill in the

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art at the time of the invention to further modify the method of Charrin as modified by Du Grosriez by using with a basket as disclosed by Shaffer et al. so as to find more uses for the wrapper so as to increase demand.

As to Claims 16 and 31, Charrin as modified by Du Grosriez and Shaffer et al. further disclose fruit (12 of Fig. 1 of Shaffer et al.).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAdams and G8905250.1 disclose in the prior art various sheets with peripheral decorations. Manifold et al., Kao et al., and WilhelmSM disclose in the prior art various sheets with peripheral decorations.

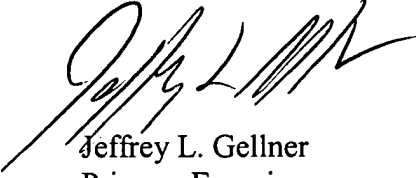
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The official fax telephone number for the Technology Center where this application or proceeding is assigned is 703.872.9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Jeffrey L. Gellner
Primary Examiner